IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.7500 of 2005

Dated: 20th June, 2006

Between:

Visakhapatnam Municipal Corporation Non-Public Health Employees Coop. Thrift & Credit Society Ltd., rep. by its President.

.. Petitioner

and

Deputy Registrar of Cooperative Societies, Visakhapatnam.

.. Respondent

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.7500 of 2005

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondent in issuing proceedings Rc.No.480/2004-D

dated 28.3.2005 appointing person-in-charge against the petitioner society purported to be under Section 32(7)(a) of the A.P. Cooperative Societies Act, 1964 as illegal and arbitrary.

The case of the petitioner is that the petitioner society is a body elected in the general body meeting of the society during elections held on 30.4.2004. During the subsisting of the said body, the respondent issued the impugned proceedings appointing the person in charge to manage the affairs of the petitioner society upto 30.6.2005. Before passing the impugned proceedings, no notice of any kind was issued and no enquiry of any nature was conducted. During the subsistence of the elected body and without giving any notice or opportunity, the respondent cannot brush aside the petitioner society by appointing the person-in-charge purported to be under Section 32(7)(a) of the Act.

Counter filed by the sole respondent. The learned Government Pleader submits that there is no necessity of issuing any notice before passing the orders under Section 32(7)(a) of the Act even if there is a valid and elected body subsists.

Heard both sides and perused the impugned order and other material made available on record.

Without deciding as to whether the election conducted on 30.4.2004 is valid and without issuing any notice to the elected body in this regard, the impugned proceedings have been passed without application of mind. Therefore, I am of the opinion that unless and until, the body elected on 30.4.2004 is declared to be invalid after conducting due enquiry into the matter, the appointment of person-in-

charge is unwarranted.

For the foregoing reasons, the writ petition is allowed and the order impugned is set aside. The respondents are directed to take appropriate action as per law after putting the petitioner society on notice and hearing if necessary, and thereafter pass appropriate orders as per law.

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C.V.RAMULU,
J

Date: 20.6.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

20.6.2006